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Attorneys for America Can! Cars for Kids

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

KARS 4 KIDS INC.,

Plaintiff,

v.

AMERICA CAN!,

Defendant.

Case No. 3:14-cv-07770-PGS-LHG

AMERICA CAN! Cars for Kids,

Plaintiff,

v.

KARS 4 KIDS, INC.,

Defendant.

Case No. 3:16-cv-04232-PGS-LHG

AMERICA CAN! CARS FOR KIDS' PROPOSED VOIR DIRE QUESTIONS

Plaintiff/Defendant America Can! Cars for Kids requests that the Court ask the jury panel the following questions:

Do any of you know anything about the facts of this case through either personal knowledge or any form of media?

1. Do you understand that this is a civil case? This means that it is a civil dispute rather than a criminal prosecution.
2. Do you understand that the jury-selection process is the sole opportunity that the Court and litigants will have to learn if you have had experiences or have feelings or knowledge that may influence how you view the evidence in this case? Therefore, it is very important to all the parties and our judicial system that you be completely honest with your responses.

Before we go further into questions regarding your views, I want to ask you if you know any of the lawyers or parties in the Courtroom:

3. Do you recognize by face any of the attorneys who are here?
 - i. If so, who?
 - ii. If so, how do you know that attorney?
4. Do you know or have you ever heard of Walsh Pizzi O'Reilly Falanga LLP, a law firm?
 - i. If yes, how?
5. Do you know or have you ever worked with or for Marc Haefner?
 - i. If yes, when, or how do you know him?
6. Do you know or have you ever worked with or for Eleonore Ofusi-Antwi?
 - i. If yes, when, or how do you know her?

7. Do you know or have you ever heard of Fox Rothschild LLP, a law firm?
 - i. If yes, how?
8. Do you know or have you ever worked with or for Karen Confoy?
 - i. If yes, when, or how do you know her?
9. Do you know or have you ever worked with or for Christopher Kinkade?
 - i. If yes, when, or how do you know him?
10. Do you know or have you ever worked with or for Allison Hollows?
 - i. If yes, when, or how do you know her?
11. Do you know or have you ever worked with or for Nancy Halpern?
 - i. If yes, when, or how do you know her?
12. Do you know or have you ever heard of Orrick Herrington & Sutcliffe, a law firm?
 - i. If yes, how?
13. Do you know or have you ever worked with or for Peter Vogl?
 - i. If yes, when, or how do you know him?
14. Do you know or have you ever worked with or for David Litterine-Kaufman?
 - i. If yes, when, or how do you know him?
15. Do you know or have you ever worked with or for Briggs Wright?
 - i. If yes, when, or how do you know him?
16. Do you know or have you ever heard of The Pittman Law Firm?
 - i. If yes, how?
17. Do you know or have you ever worked with or for Aubrey “Nick” Pittman?

- i. If yes, when, or how do you know him?
- 18. Do you know or have you ever worked with or for attorney Manuel Torres-Rodríguez?
 - i. If yes, when, or how do you know him?
- 19. Do you know or have you ever worked with or for attorney Valerie Yanaros Wilde of Yanaros Law Firm?
 - i. If yes, when, or how do you know her?
- 20. Do you know or have you ever worked with or for attorney Sharie McEwing of the Deleon Law Group?
 - i. If yes, when, or how do you know her?
- 21. Has anyone ever had any bad experiences with a lawyer?
 - i. If so, what kind of bad experiences?
- 22. Has anyone ever had any bad experiences with a law firm?
 - i. If so, what kind of bad experiences?
- 23. Has anyone ever had a bad experience with the legal system in general?
 - i. If so, what kind of bad experiences?
- 24. **The following are potential witnesses in this case, please raise your hand and stop me if you know any of them:**
 - a. Esti Landau
 - b. Rabbi Eliyohu Mintz
 - c. Robert Moskovits
 - d. Malcolm Wentworth
 - e. Richard Marquez
 - f. Cheryl Rios Poldrugach

- g. Frank Reed
 - h. Bonnie Curry
 - i. Malka Keller
 - j. David Hall
 - k. Dr. Alex Simonson
 - l. Bryce Cook
 - m. Melissa Pittaoulis
25. Do you know anyone else on the jury panel sitting with you?
- i. If so, how and for how long?
26. Has anyone had any experience with Kars (spelled with a K) 4 Kids?
- i. If so, what was the nature of the experience?
 - ii. If so, what was your experience like with the entity or its representatives?
 - iii. How would this experience affect your participation on this jury?
27. Has anyone had any dealings with Cars (spelled with a C) for Kids?
- i. If so, what was the nature of the experience?
 - ii. If so, what was your experience like with the entity or its representatives?
 - iii. How would this experience affect your participation on this jury?
28. Has anyone had any dealings with America Can! Cars for Kids, Cars spelled with a "C"?
- i. If so, what was the nature of the experience?
 - ii. If so, what was your experience like with the entity or its representatives?

- iii. How would this experience affect your participation on this jury?
29. Is anyone familiar with advertising of either party in this lawsuit?
- i. If so, which one and how?
 - ii. If so, what is your impression of the advertising?
 - iii. How would this experience affect your participation on this jury?
 - a. Is it possible that you may lean, even if subconsciously, in favor of this company?
30. Would anyone be influenced, even if slightly, by the fact that, although both companies collect donations from throughout the country, one party's headquarters is based in New Jersey and the other party's headquarters is based out of Texas?
31. Is there anyone on the panel who has legal training?
- i. If so, what type of legal training have you had?
 - ii. If so, have you ever worked in the legal field?
32. Have any of your relatives, or anyone close to you, ever studied law?
33. Do any of you have a spouse who is a lawyer or who has studied law?
34. Have you ever been a witness at a trial, civil or criminal?
35. Have you ever been a juror in a trial, civil or criminal?
- i. If yes, were you the presiding juror?
 - ii. If you were a juror in a civil trial, did the jury reach a verdict?
36. Has any relative, or anyone close to you, ever been involved as a plaintiff, defendant, or witness in a civil case for any reason?

- i. If so, based on what you have heard about the facts of this case, was the civil case in which your relative, or a person close to you, was involved similar in any way to this case?
 - ii. If so, was there anything about the civil case in which your relative or a person close to you was involved that you believe could affect your ability to be a fair and impartial juror in this case?
- 37. Have you ever been a Plaintiff or Defendant in a lawsuit?
 - i. If yes, what does (did) the case involve?
 - ii. Based on what you have heard about the facts of this case, is the civil case in which you are or were a Plaintiff or Defendant similar in any way to this case?
 - iii. If yes, is the case still pending?
 - iv. Is there anything about the civil case in which you are or were a Plaintiff or Defendant that you believe could affect your ability to be a fair and impartial juror in this case?
- 38. Have you or has anyone close to you ever sought or obtained a trademark, patent or copyright?
 - i. If so, what was the nature of the trademark, patent or copyrighted material?
 - a) Who filed the patent, trademark or copyright application for you?
 - ii. If so, was the trademark or copyright ever infringed by anyone else?
 - a) If so, what action, if any did you take?
- 39. Have you or has anyone close to you been accused of violating someone else's trademark, copyright or patent?
 - i. If so, what was the nature of the trademark, copyrighted or patented material?
 - ii. If so, what action, if any, did that person or company take against you or the person close to you?

- a) What was the end result?
- 40. Has anyone ever received royalties from a creative work, such as a trademark, video, book, play, or piece of music?
 - i. If so, who and for what periods?
- 41. Has anyone ever paid royalties for a creative work, such as a trademark, video, book, play, or piece of music?
 - i. If so, who and for what periods?
- 42. Have you or has anyone close to you been engaged as an employee or substantial volunteer with any non-profit based business?
 - i. If so, what type of nonprofit was it?
 - ii. What has been the nature of your (or their) involvement?
- 43. Will the fact that this dispute involves two non-profit based businesses make it difficult for any of you to listen to the facts and make a decision based solely on those facts and not the type of parties involved?
 - i. If so, why?
- 44. Has anyone ever donated an automobile, motorcycle or boat to a charity?
 - i. If so, when and to whom?
- 45. Have you ever donated more than \$500, or other physical or real property to charity?
 - i. If so, has your choice of charity depended upon the charity's mission and whom it serves?
- 46. Have you ever donated to a charity based on a religious-based mission?
 - i. If so, to whom?
- 47. Would your perception of a charitable organization be affected by the charity's mission?

- i. If so, how and why?
- 48. Would your perception of a charitable organization be affected by the specific persons or groups of persons the charity is designed to benefit?
 - i. If so, how and why?
- 49. Would your perception of a charitable organization be affected if the charity serves specific religious groups?
 - i. If so, how and why?
- 50. If the facts are that one of the organizations is religious based, and set up to assist children of the Jewish faith and the other organization is set up to assist families without regard to religious affiliation, does anyone think this fact may cause them to favor one organization over the other?
- 51. If the facts are that one of the organizations is set up to assist Jewish children and the other organization assists families of all ethnicities, does anyone think this fact may cause them to favor one organization over the other?
 - i. If so, why?
- 52. Have you ever had a negative experience donating to a charity?
 - i. If so, what was the nature of that negative experience?
 - ii. If so, would that experience preclude you from donating in the future, or affect your choice of charity for future donations?
- 53. Do you or does anyone close to you work in advertising or public relations whereby you promote companies, people or events?
 - i. If so, for who and when?
- 54. What newspapers and magazines do you read regularly, if any?
- 55. What types of radio shows do you listen to regularly, if any?
- 56. What are the top two radio shows you listen to regularly, if any?

57. What are the top two television shows you watch regularly, if any?
58. Do you have any physical disability or condition that would interfere with you serving as a juror in this case?
59. Do you have any prearranged vacation plans involving nonrefundable tickets in the next two weeks that would interfere with you serving as a juror in this case?
60. Does anyone believe there is any chance you could not be fair and impartial to all parties to this lawsuit?
61. Is there anyone here who generally has an issue with awarding money damages to a Defendant or a Plaintiff in a lawsuit?
 - i. If so, why?
 - ii. If yes: Is there anyone else who feels that way?
62. If you hear evidence that the damages in this case are in the multiple millions of dollars, and find in favor of a party, would you have any issue with awarding millions of dollars to that party, or is there a limit in your mind just based on a specific dollar amount?
 - a. If so, why?
 - b. If yes: Is there anyone else who feels that way?
63. Have you heard anything during this jury-selection process that causes you concern about your ability to be a fair and impartial juror in this case?
64. Is there anyone who feels now that you should not serve as a juror in this case?
65. Is there anything that we have not covered in this voir dire questioning so far that might keep you from being a fair and impartial juror in this case?
66. Is there something about you or your beliefs or opinions that we should know that affects whether you should serve on the jury in this case?
 - i. If so, what is it? Or would you prefer to tell us privately?

67. Are there any other matters that you would like to discuss with the Court outside the presence of the other panel members that may affect your ability to serve on this jury?

Dated: April 18, 2019

Respectfully submitted,

s/ Karen A. Confoy

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